

RESOLUTION
GRANTING AN AMENDMENT TO PREVIOUSLY GRANTED
MINOR SUBDIVISION AND BULK VARIANCE APPROVAL

UNIFIED PLANNING BOARD
BOROUGH OF KEYPORT

BLOCK 39 LOT 5.01
Application # 15-04
RYAN BURLEW
53 BEERS STREET

WHEREAS, Ryan Burlew has applied to the Unified Planning Board of the Borough of Keyport for an amendment to a previously granted minor subdivision and bulk variance approval which was originally granted to Cheryl A. Hill by way of a resolution of the Planning Board memorialized on October 28, 2010 which allowed, in part, the construction of a new home at property commonly known as 53 Beers Street, and officially designated as Block 39, Lot 5.01 on the official Tax Map of the Borough of Keyport Specifically, the applicant seeks so as to eliminate conditions in that original resolution which mandated that the premises located at Lot 5.01 be limited to one garage, one driveway and one curb cut.; and

WHEREAS, Board Member Robert Burlew has recused himself from all aspects of this application due to a familial relationship with the applicant; and

WHEREAS, the applicant has provided notice to all property owners within two hundred feet and has caused notice to be published regarding said application in accordance with **N.J.S.A. 40:55D-1** et. seq., this Board gaining jurisdiction thereunder; and

WHEREAS, public hearings on the application were conducted in the within matter during regularly scheduled meetings of the Unified Planning Board held on October 22, 2015 and;

WHEREAS, the Board having carefully considered the evidence and exhibits presented by the applicant and the review of the Borough experts;

NOW THEREFORE, be it Resolved by the Unified Planning Board of the Borough of Keyport that the following findings of facts are made:

1. This application constitutes a request by the applicant, Ryan Burlew, to make certain changes to the plans for his single family home, currently under construction, located at 53 Beers Street and officially designated as Block 39, Lot 5.01 on the official tax map of the Borough.
2. Permission to build the subject single family home was granted by the Planning Board by way of a *Resolution of Approval Granting Minor Subdivision and Bulk Variances* adopted by the Planning Board on October 28, 2010. **(Exhibit A-4)** The approvals were granted to the previous owner of the property, Cheryl A. Hill.
3. Of concern in the original Resolution was ensuring that the subject premises could never be utilized as a two family home and would instead always remain a single family home.

In fact Condition 2 of that original Resolution (**Exhibit A-4**) required that Deed Restriction be recorded specifically restricting the property from ever being used as a two family home. A copy of that Deed Restriction, which was recorded with the Monmouth County Clerk's Office on December 3, 2012 in Deed Book OR-8983 at Page 3588, was marked into evidence as **Exhibit A-7**.

4. In furtherance of ensuring that the premises would remain a single family home, conditions 3 and 4 of that original Resolution of Approval (**Exhibit A-4**) read as follows:
 - Applicant shall revise the plans to provide only one garage and one driveway. Revisions of the plans are subject to review and approval by the Planning Board Engineer.
 - The applicant shall revise the plans to eliminate all of the curb cuts on lot 5.01, other than the one for the driveway. Revisions are subject to review and approval by the Planning Board Engineer.
5. Mr. Burlew wishes to keep the property as a single family home, and is therefore not seeking relief from the Deed Restriction previously recorded (**Exhibit A-7**). He does however wish to add a second attached garage and driveway to the property which would necessitate relief from conditions 3 and 4 of the original Resolution. (**Exhibit A-4**) There is currently an attached single car garage and associated driveway located at the house.
6. At all times during the course of this application, Mr. Burlew was represented by John A. Giunco, Esquire of the law firm Giordano, Halleran & Ciesla whose offices have a mailing address of 125 Half Mile Road, Suite 300, Red Bank, New Jersey.
7. In support of the application, the following exhibits were marked into evidence by the applicant:

Exhibit A-1 :	“Application of To The Keyport Unified Planning Board” filed with the Board on July 30, 2015.
Exhibit A-2 :	“Map of Survey” dated July 17, 2015 as prepared by Richard K. Heuser, P.E., L.S.
Exhibit A-3 :	Five (5) photographs of the interior of the subject premises Showing it under construction.
Exhibit A-4 :	“Resolution of Approval Granting Minor Subdivision and Bulk Variances” adopted by the Planning Board on October 28, 2010.
Exhibit A-5 :	Aerial Photograph of the subject premises
Exhibit A-6 :	A posterboard consisting of three (3) photographs depicting: (A) Aerial Close Up of Subject Premises (B) Front View of the Home taken approximately (1) month prior To the public hearing. (C) A copy of the “Map of Survey” marked into evidence as Exhibit A-2.
Exhibit A-7 :	Deed Restriction recorded with the Monmouth County Clerk's Office in Deed Book OR-8983 at Page 3588 on December 3, 2012.

8. Both the Board Engineer, Fran Mullan, P.E., and the Board's Planner Stan Slachetka, P.P. of T&M Engineering were present at the meeting. Both professionals were sworn and certified as to the information contained within the T&M Initial Engineering Review letter which was marked into evidence as **Exhibit B-1** and is incorporated into this Resolution by reference.
9. In support of the application, the applicant presented testimony from his professional planner Andrew Janiw, P.P. of Beacon Planning and Consulting Services, LLC which has offices located at Suite 129, 315 Highway 34, Colts Neck, New Jersey 07722.
10. Mr. Janiw explained that the only relief being sought by the applicant was the ability to construct a second garage and driveway for the single family home which was being constructed. Referring to the photographs submitted into evidence (**Exhibits A-3 and A-6**), Mr. Janiw demonstrated where the second garage and driveway would be constructed and how it would not require any significant changes to the interior of the home.
11. Mr. Janiw and the applicant's counsel, Mr. Giunco, both reiterated that the applicant had no interest in having the deed restriction lifted. (**Exhibit A-7**) The home would remain a single family home. The rationale behind having a second garage was solely to provide additional vehicle and house storage for the premises. Based upon the existing layout of the home, the only appropriate location for placing the second garage was in the location depicted on the "Map of Survey" which had been submitted into evidence. (**Exhibit A-2**) This location would necessitate a second driveway and a second curb cut to access that driveway. Accordingly, if the relief were to be granted, conditions 3 and 4 of the original Resolution (**Exhibit A-4**) would need to be removed.
12. Mr. Janiw testified that he believed the property could safely accommodate the proposed second garage, driveway and curb cut. He also noted the advantages of allowing the home to have same since it would allow for additional storage space at the property. He noted that currently the house, as approved, only had a single car garage. The new garage would act as a second single car garage.
13. As further assurances of the applicant's intention to retain the home as a single family residence, the following conditions of approval were agreed to:
 - (A) There would continue to be only one walkway to the single front door of the premises.
 - (B) There would continue to be only one set of utilities connected to the single family home.
14. The following member of the public was sworn and spoke with respect to the application: **Bob Ludwig - 50 Beers Street, Keyport** - Mr. Ludwig expressed concern over whether vehicles in the second driveway would overhang onto the sidewalk. It was the opinion of

the applicant and the Board's Professionals that this would not occur.

15. No one else from the public spoke with respect to this application.
16. The Board's Professionals, Mr. Mullan and Mr. Slachetka had no objection to the application being granted provided all requirements of the Initial Engineering Review Letter were met. (**Exhibit B-1**)
17. In considering this application, the Planning Board finds that the requested relief can be granted without causing any disruption to the integrity of the original October 28, 2015 approval (**Exhibit A-4**) the import of which was that this property must remain as a single family home. When considering all of the evidence and testimony presented, the Board feels comfortable that with the Deed Restriction (**Exhibit A-7**) remaining in place and additional conditions of approval limiting the property to a single walkway and single set of utilities being added, the applicant's home will remain a single family home as originally intended.
18. The Board also finds that the proposed additional garage will be a benefit to the surrounding neighborhood since it will allow for additional vehicle and other storage at the property.
19. The Board cannot envision any negatives which would be created for the neighborhood if the requested second garage and driveway were to be added to the property. Based upon all the evidence presented, including the Map of Survey (**Exhibit A-2**) and photographs of the exterior of the home (**Exhibit A-6**) it is clear that the property can accommodate such an addition without creating any detriments to anyone.
20. Based upon all of the aforesaid reasons, the Board finds that the application seeking relief from conditions 3 and 4 of the original October 28, 2015 Resolution can be granted without causing any detriment to the Borough's Master Plan, surrounding community or the integrity of that original approval.

NOW THEREFORE, be it further resolved by the Unified Planning Board of the Borough of Keyport that the application of Ryan Burlew seeking relief from conditions 3 and 4 of the original resolution dated October 28, 2015 so as to add a second one car garage, driveway and curb cut at premises commonly known as 53 Beers Street and officially designated as Block 39, Lot 5.01 be granted subject to the following conditions:

1. Subject to adhering to all conditions contained within the original Resolution of Approval dated October 28, 2015 with the exception of conditions 3 and 4. (**Exhibit A-4**)
2. Subject to the continued restriction that the subject premises may never be utilized as a two family home, as contained within the Deed Restriction recorded with the Monmouth County Clerk's Office. (**Exhibit A-7**)
3. Subject to the condition that there shall only ever be one walkway constructed to the front door of the single family home.

4. Subject to the condition that there shall only ever be one set of utilities connected to the subject single family home.
5. Subject to the proposed driveway and garage being constructed in the location depicted on the Map of Survey marked into evidence as **Exhibit A-2** and in a manner approved by the Board's Engineer and Planner.
6. Subject to compliance with all conditions contained within the Initial Engineering Review letter of T&M Associates dated September 17, 2015. (**Exhibit B-1**)
7. All representations made under oath on behalf of the applicant, or by its agents, shall be deemed conditions of this approval, and any misrepresentations or actions by the applicant contrary to the representations made before the Board shall be deemed a violation of this approval.
8. This application is granted only in conjunction with the conditions noted herein and but for the existence of the same, the within application would not be approved.
9. Subject to any and all other approvals as may be required by the Borough, County, State or Federal regulations.
10. Subject to the payment of any fees, escrows and taxes as may be due the Borough, prior to the issuance of a building permit.
11. Subject to all laws and ordinances enacted by either the State or the Borough relative to Affordable Housing, including, but certainly not limited to, payment of any required fees.
12. The action of the Unified Planning Board in approving this application shall not relieve the applicant of responsibility for any damage caused by this project, nor does the Unified Planning Board or its reviewing professionals and agencies accept any responsibility for the structural design of the proposed improvements or for any damage that may be caused by the development.
13. The applicant must publish adequate notice of this Resolution in the official newspaper of the Borough of Keyport at their sole cost, within ten days, and provide proof of publication to the Board Secretary within thirty days.

The foregoing was Moved by J. Kovacs, Seconded by G. Sappah and on Roll Call, the following vote was recorded:

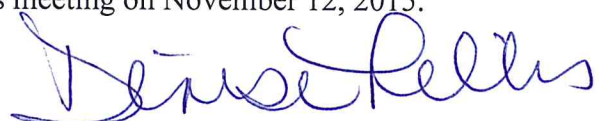
Affirmative: Councilman Cooper, M. Sessa, R. Benedict, T. Musson, D. Fotopoulos, J. Kovacs,
G. Sappah

Negative:

Abstentions: R. Burlew, J. Kovacs-Olsen, J. Oviedo

Absent: Mayor Aumack

The foregoing is a true copy of a Resolution adopted by the Unified Planning Board of the Borough of Keyport as copied from the Minutes of its meeting on November 12, 2015.



Denise Nellis, Secretary of the Board